

Expedited Bill No. 3-09  
Concerning: Local Small Business  
Reserve Program - Amendments  
Revised: April 14, 2009 Draft No. 2  
Introduced: February 10, 2009  
Expires: August 10, 2010  
Enacted: April 21, 2009  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: December 31, [[2009]]  
2012  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the request of the County Executive

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**AN ACT** to:

- 1) amend the County's Local Small Business Reserve Program by increasing the minimum percentage of the combined dollar value of certain contracts that each using department must award to local small businesses; ~~[[and]]~~
- 2) extend the sunset date of the law to December 31, 2012; and
- 3) generally amend the County's Local Small Business Reserve Program.

By amending

Montgomery County Code  
Chapter 11B, Contracts and Procurement  
Section 11B-66

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1 Section 11B-66 is amended as follows:**

**11B-66. Local Small Business Reserve Program.**

- (a) Except as provided in Subsection (c), this Article applies to all procurements by a using department.
- (b) A using department's procurement procedures must award a minimum of [10] 20 percent of the using department's combined dollar value of contracts issued for goods, services, or construction to local small businesses, subject to method 2 regulations.
- (c) The total dollar value of procurements by a using department does not include:
  - (1) the value of any contract to which this Article does not apply because of a conflict with state or federal law or a grant requirement;
  - (2) a preexisting contract executed by the County;
  - (3) a non-competitive contract award made under Section 11B-14;
  - (4) a public entity or emergency procurement;
  - (5) any waiver made under Section 11B-67(f);
  - (6) any procurement where no local small business is qualified or able to perform the contract; or
  - (7) any single procurement that is estimated to exceed \$10 million.
- (d) A using department's decision to exclude a procurement under Subsection (c)(6) must be approved by the Director.

**Sec. 2.** Section 3 of Chapter 3, Laws of Montgomery County of 2005 is amended as follows:

[[This Act takes effect no later than January 1, 2006.]] This Act and any regulations adopted under it expires on December 31, [[2009]] 2012. The Office of

27 Legislative Oversight must begin a review of the Program one year after its  
 28 implementation begins and must report to the Council about the effectiveness of the  
 29 Program.

30 **Sec. 3. Expedited Effective Date.**

31 The Council declares that this legislation is necessary for the immediate  
 32 protection of the public interest. This Act takes effect on the date on which it  
 33 becomes law.

34 *Approved:*

35 \_\_\_\_\_  
 Philip M. Andrews, President, County Council Date

36 *Approved:*

37 \_\_\_\_\_  
 Isiah Leggett, County Executive Date

38 *This is a correct copy of Council action.*

39 \_\_\_\_\_  
 Linda M. Lauer, Clerk of the Council Date